IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMAR COLLINS :

:

Plaintiff : Civil Action No. 13-7613

:

vs. : JURY TRIAL DEMANDED

:

BOROUGH OF TRAINER

AND :

RICHARD JONES

AND :

FRANCIS PRISCOPO :

AND :

DELAWARE COUNTY D/B/A/ TRAINER : BOROUGH POLICE DEPARTMENT :

AND

ROBERT LYTHGOE, JR. :

AND :

DELAWARE COUNTY, OFFICE OF THE DISTRICT ATTORNEY, DELAWARE:

COUNTY

AND :

JOHN DOES 1-10 :

RESPONSE OF BOROUGH OF TRAINER, RICHARD JONES AND FRANCIS PRISCOPO TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT

I. INTRODUCTION

By way of submitting a request to the Court to file an Amended Complaint, answering defendants agree that plaintiff has complied with the Court's directive at the Rule 16 conference. Thus, answering defendants are not in a position to, and do not object ,to plaintiff's request to the Court for permission to file the proposed Amended pleading with the understanding that the

above-mentioned answering defendants do reserve the right to challenge the Amended Complaint pursuant to the applicable Rules of Civil Procedure. ¹

II. <u>CONCLUSION</u>

For the reasons which are set forth above, defendants Borough of Trainer, Officer Richard Jones and Police Chief Francis Priscopo request that the Court grant the Motion of the plaintiff to permit plaintiff to file an Amended Complaint reserving the right to the answering defendants to file any appropriate Motion to Dismiss once that pleading is filed.

Respectfully submitted, **HOLSTEN & ASSOCIATES**

BY: __SMM2371_

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Trainer, Officer Richard Jones and Police Chief
Francis Priscopo

¹ To the extent that plaintiff's counsel believes that the Borough of Trainer defendants counsel was not being cooperative, such was not the case and counsel may have misunderstood that all the Borough counsel was trying to communicate was her inability to Stipulate to plaintiff's being able to file an Amended pleading beyond the scope of Rule 15 and her suggestion that counsel may want to seek such permission from the Court under these circumstances.

CERTIFICATE OF SERVICE

I, Suzanne McDonough, Esquire, attorney for Defendant, Richard Jones, hereby certifies that a true and correct copy of the within pleading was electronically filed on the 20th day of March, 2014 and copies of same were served upon the following electronically or by regular first class mail, postage prepaid on the same date:

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HOLSTEN & ASSOCIATES

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Dated: 3-20-14 BY:

Suzanne McDonough, Esquire

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